

TOWN OF BERTHOUD
BOARD OF TRUSTEES
REGULAR MEETING
TUESDAY, SEPTEMBER 28, 2004
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The Board of Trustees for the Town of Berthoud met for a regular meeting on Tuesday, September 28, 2004 in the Board Room of Town Hall. Mayor Milan Karspeck called the meeting to order at 7:00 p.m.

MEMBERS PRESENT: Mayor Milan Karspeck
Trustee Louis Gervasi
Trustee Peder Thorstensen (arrived 7:05 p.m.)
Trustee Glen Buckingham
Trustee Michael Patrick (arrived 7:03 p.m.)
Trustee David Gregg

MEMBERS ABSENT: Mayor Pro-Tem Don Ashcraft

STAFF PRESENT: Town Administrator Jim White
Town Clerk Mary Cowdin
Museum Director Tom Vaughan
Town Planner Wayne Reed
Police Chief William Wegener
Town Attorney Bruce Fickel
Deputy Clerk Charlene Reed

PLEDGE OF ALLEGIANCE

Mayor Karpseck led the pledge of allegiance.

CITIZEN PARTICIPATION

There were no items presented by members of the audience.

REPORTS

Administrator White noted that the 2004 CML District Meeting will be held in Estes Park on Thursday, October 21, 2004. Information was provided in the packet this week and anyone interested in attending should notify Town Clerk Mary Cowdin.

Trustee Patrick arrived at 7:03 p.m.

Administrator White reported that the Weld County Elected Officials and Managers meeting is scheduled for Wednesday, October 27, 2004 in Evans. Information regarding this event will be included in this week's packet.

Administrator White announced that the Town has selected Rich Elliott as the new Public Works Director. Mr. Elliott is tentatively planning to begin work on Monday, October 25, 2004 and will be invited to attend the meeting on Tuesday, October 26, 2004 to meet the Board.

Trustee Thorstensen arrived at 7:05 p.m.

Administrator White announced that the Colorado Department of Health and the Environment has approved the site application for the temporary wastewater plant at Serenity Ridge. The project will now go for design review. He noted the Town is working with JRJ to resolve issues with Weld County to continue the current arrangement for sewer until the new plant is operational.

Administrator White reported that Girl Scout Troop 4 and Cub Scout Den 6 have volunteered to provide clean-up around the recycle bins. The two troops will alternate months, beginning with the Cub Scouts in September. Mayor Karspeck commended the groups for providing this service to the Town.

Administrator White noted we received notice from SEMA Construction regarding the 287 bypass project, noting that construction of the new highway means the old highway must be removed. The roadway will need to be shared and there will be significant heavy equipment traffic at Highway 287 and County Road 4 over the next month. He noted the anticipated completion date for this project per Gray Courier, CDOT, is November-December, 2004, a full year in advance of the initial planned completion date.

Administrator White noted Chief Wegener was expedited to attend this meeting to discuss the bonfire that is planned at Homecoming.

CONSENT AGENDA

The consent agenda consisted of 6a, the minutes of the regular meeting of September 14, 2004 and 6b, the Financial Statement of August 2004.

Trustee Buckingham moved to approve the Consent Agenda as submitted. Second by Trustee Gregg. With no objection, and by unanimous consent, the motion carried.

PUBLIC HEARING – HISTORIC PRESERVATION COMMISSION ORDINANCE AMENDMENT

Museum Director Tom Vaughan explained that we do not have the Secretary of the Interior's Standards for Rehabilitation in our ordinance and that is the purpose of this change.

Mayor Karspeck read the amendment to Ordinance 920.

Trustee Buckingham moved to approve Ordinance 994. Second by Trustee Gervasi. All members voted YES.

AMENDMENT TO THE 2001 PARKS AND MAJOR BIKE TRAILS PLAN AND DEVELOPMENT PRACTICES

Planner Reed explained the modifications being recommended. Trustee Patrick expressed concern that it is not clear in the document that if a developer wants credit toward parkland dedication, that the Town has final say in what will be included in the park. Planner Reed suggested that a sentence can be added that says the Town should review and approve the park design to make sure the park fits within the Town's park plan. Trustee Patrick felt the Town should have the final decision making authority for any parks that are provided to satisfy parkland dedication.

Planner Reed noted these are guidelines and should be less regulatory and more directional. He noted if a developer wants an HOA maintained park to receive credit toward parkland dedication, they have to work closely with the Town. The specifics regarding what is required of a developer regarding any parks are generally found in the development agreement, which is the regulatory document for any development.

Trustee Patrick expressed concern that the plan for amenities in the parks are delegated to the Parks and Open Space Board. Planner Reed noted historically the design and specifications for parks have been considered and established by consultants hired by the Town. In Collins Park, the Board was involved in the establishment of the park and the acceptance of the park in place of fees, but the planning will be done by the Parks and Open Space Board.

Trustee Gregg noted this document is a design statement and we are considering inserting procedural requirements. He suggested the development code is a more appropriate place for specific requirements.

Planner Reed suggested this item be delayed for two weeks to allow him time to resolve the issues being addressed by the Trustees.

Planner Reed noted Attorney Fickel suggested that the language be modified as follows:

17. Town will require HOA parks and all other parks, that are privately maintained and publicly owned, to meet the design criteria adopted by the Town for parks if Town elects to allow credit toward parkland dedication.

Board members agreed to postpone to next meeting to allow Planner Reed to revise the language to meet the intent desired by the Board.

SET PUBLIC HEARING – STREET CHANGING STREET NAMES

Planner Reed explained that it has been determined that some of the street names in Gateway Park, The Estates at Matthews Farm and Peakview Meadows are in conflict with LETA's (Larimer County Emergency Authority) street naming standards and therefore, in accordance with the Town's agreement with LETA, the street names must be changed.

Trustee Buckingham moved to set the public hearing for three (3) ordinances changing certain street names in Gateway Park, The Estates at Matthews Farms, and Peakview Meadows for October 12, 2004. Second by Trustee Gervasi. With no objection, the motion was approved by unanimous consent.

SET PUBLIC HEARING REGARDING PROPOSED ORDINANCE RE: REVOCABLE SIGNS AND OFF PREMISES SIGNS

Planner Reed noted these two ordinances are being revised based upon the comments from the Board and the department heads. The revised ordinances will be provided in this week's packet.

Trustee Gregg moved to set the public hearing for an ordinance regarding revocable permits and an ordinance regarding off-premise signs for October 12, 2004. Second by Trustee Thorstensen. With no objection, the motion was approved by unanimous consent.

Planner Reed noted there was one sign that was in direct violation of our off premise sign guidelines, and that sign has been removed. Trustee Patrick noted there is a similar sign along Highway 287 that should also be addressed and Planner Reed agreed to contact the company that owns the sign and inform them that it must be moved.

Board members expressed concern that the required setback listed in the ordinance for off-premises signs is only 2 feet from the edge of the roadway. Following discussion, Planner Reed agreed to modify that distance to 6 feet.

LETA APPOINTMENT

Mayor Karspeck noted the term on the Larimer Emergency telephone Authority (LETA) Board held by Chief Lowell Richardson, of the Estes Park Police Department, will expire. Chief Richardson is willing to continue to serve on the LETA Board for a second two-year term commencing January 1, 2005. Administrator White noted he discussed this with Fire Chief Charles, and he is in favor of this appointment.

Trustee Buckingham moved to appoint Chief Lowell Richardson of the Estes Park Police Department to serve a second two-year term on the LETA Board to expire December 31, 2006. Second by Trustee Gervasi. With no objection, the motion was passed by unanimous consent.

Chief Wegener addressed the Board regarding the planned Homecoming bonfire, asking the Board to approve this event. He noted the property owner, Dave Sitzman, has agreed to allow his property to be used again this year. The Fire Department will start and control the fire. The Street Department will be responsible for preparing and cleaning up the site, and the police officer on duty will be present for the entire event.

Trustee Gervasi suggested it might be appropriate to deny this request in the interest of public safety, but noted if the Town is not involved, the bonfire will probably be held elsewhere. He expressed concern regarding the liability to the Town for allowing this event. Attorney Fickel noted the Town has liability coverage, and governmental immunity.

Trustee Gregg noted this is a good opportunity to help the teens in Berthoud with an organized activity since the Town is currently focusing on teen issues.

Trustee Buckingham moved to authorize town staff to go forward with bonfire. Second by Trustee Gregg. With no objection, the motion was passed by unanimous consent.

Trustee Buckingham reported that he was involved in a meeting this morning with Trustee Thorstensen and Scott Banzhaf to review applicants for the Citizen Advisory Committee for the Land Use Plan. He asked that committee appointments be included on the agenda for October 12, 2004. Board members agreed.

With no further business before the Board, the meeting adjourned at 8:05 p.m.

Mayor Milan Karspeck

Deputy Town Clerk Charlene Reed